



ISW
AF/ 2642
\$

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q65563

Loic OLLIVIER, et al.

Appln. No.: 09/913,464

Group Art Unit: 2642

Confirmation No.: 2414

Examiner: Marie C. UBILES

Filed: August 15, 2001

For: A METHOD OF TRANSMITTING INFORMATION TO A TELEPHONE TERMINAL
UNIT VIA AN ANALOG LINE, AND TELECOMMUNICATIONS EQUIPMENT
APPLYING THE METHOD

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

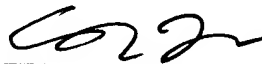
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$340.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860



Christopher R. Lipp
Registration No. 41,157

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 22, 2004

Attorney Docket No.: Q65563



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q65563

Loic OLLIVIER, et al.

Appln. No.: 09/913,464

Group Art Unit: 2642

Confirmation No.: 2414

Examiner: Marie C. UBILES

Filed: August 15, 2001

For: A METHOD OF TRANSMITTING INFORMATION TO A TELEPHONE TERMINAL
UNIT VIA AN ANALOG LINE, AND TELECOMMUNICATIONS EQUIPMENT
APPLYING THE METHOD

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is an Appeal from the final rejection of April 22, 2004 (Paper No. 2) of claims 1-6 in
Application No. 09/913,464. In accordance with the provisions of 37 C.F.R. § 1.192,
Appellants submit the following:

Table of Contents

I. REAL PARTY IN INTEREST	2
II. RELATED APPEALS AND INTERFERENCES	3
III. STATUS OF CLAIMS	4
IV. STATUS OF AMENDMENTS	5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER	6
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	9
VII. ARGUMENT	10
CLAIMS APPENDIX	16
EVIDENCE APPENDIX:	18
RELATED PROCEEDINGS APPENDIX	19

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Alcatel. Assignment of the application was submitted to the U.S. Patent and Trademark Office on August 15, 2001, and recorded on the same date at Reel 012168, Frame 0290.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appln. No.: 09/913,464

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37 and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

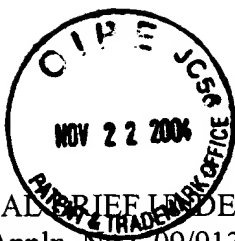
WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 22, 2004

Attorney Docket No.: Q65563



APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appl. No.: 09/913,464

CLAIMS APPENDIX

CLAIMS 1-6 ON APPEAL:

1. (Previously Presented) A method of transmitting information to a telephone subscriber terminal unit from a local exchange of a telephone network to which the telephone subscriber terminal unit is connected via at least one analog telephone line, the method comprising:

generating and encoding command or information messages at the local exchange;
transmitting the command or information messages from the local exchange to the telephone subscriber terminal unit in addition to sending speech signals and telephone signaling via the analog telephone line; and

receiving the command or information messages at the telephone subscriber terminal unit, and decoding and interpreting the command or information messages in information processing means of the telephone subscriber terminal unit in order to display the command or information messages as text messages at the telephone subscriber terminal unit or output the command or information messages as speech messages at the telephone subscriber terminal unit.

2. (Previously Presented) A method according to claim 1, wherein the command or information messages are transmitted to the telephone subscriber terminal unit from the local exchange in response to a service request from the telephone subscriber terminal unit.

3. (Previously Presented) A method according to claim 1, wherein the command or information messages are messages whose content is intended to be at least temporarily stored at the telephone subscriber terminal unit that receives them.

4. (Previously Presented) A method according to claim 1, wherein the command or information messages are command transmission messages.

5. (Previously Presented) A local exchange of a telephone network which is connected by at least one analog telephone line to at least one telephone subscriber terminal unit comprising a management logic unit for managing the telephone subscriber terminal unit, the local exchange comprising a command and information message processing unit for generating and sending command or information messages to the management logic unit of the telephone subscriber terminal unit in addition to sending speech signals and telephone signaling, each command or information message being coded so that the command or information message can be transmitted via an analog telephone line from the exchange to the unit.

6. (Previously Presented) A telephone subscriber terminal unit, adapted to be connected by at least one analog telephone line to a local exchange of a telephone network, and, said telephone subscriber terminal unit comprising a management logic unit for managing said telephone subscriber terminal unit, the management logic unit comprising means for communicating and processing information enabling the management logic to receive command and/or information messages generated by and transmitted from the local exchange via the analog telephone line in addition to speech signals and telephone signaling transmitted from said local exchange, said command or information messages being decoded and processed for display as text messages or output as speech messages.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appln. No.: 09/913,464

EVIDENCE APPENDIX

There has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other similar evidence.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appln. No.: 09/913,464

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

III. STATUS OF CLAIMS

Claims 1-6 are all of the claims pending in the application. Pending claims 1-6 are rejected, and are the subject of this appeal. All of the claims are set forth in the attached Appendix.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appl. No.: 09/913,464

IV. STATUS OF AMENDMENTS

No claim amendments were requested subsequent to the Final Office Action of April 22,
2004.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method of transmitting information to a telephone subscriber terminal unit from a local exchange of a telephone network to which the telephone subscriber terminal unit is connected via at least one analog telephone line. As shown in the Figure, a telephone network 1 includes a telephone exchange 2 linked via analog telephone lines L to a main mobile telephone unit 7 of a mobile telephone network 6, a master station 5 of a shared telephone installation 4 and a telephone exchange 2'. (specification at page 4, lines 17-21 and lines 27-31; and page 5, lines 22-27). Terminal units such as telephones 3 are individually connected to the local telephone exchange 2' by an analog telephone line L. (specification at page 4, lines 24-27). The master station 5 of the shared telephone installation 4 serves a plurality of telephone subscriber terminals 3' and includes information processing means (management logic unit) 5D associated with switching means 5C. (specification at page 4, lines 31-35; and page 5, lines 3-15). The main mobile telephone unit 7 serves mobile telephone terminals 8 and includes switching means 7C and a management logic unit 7D enabling it to operate on the switching means 7C as a function of the needs of users and what resources are available. (specification at page 5, lines 28-35).

Claim 1 requires generating and encoding command or information messages at the local exchange, and transmitting the command or information messages from the local exchange to the telephone subscriber terminal unit in addition to sending speech signals and telephone signaling via the analog telephone line (see specification at page 6, line 28 - page 7, line 33).

Claim 1 further requires receiving the command or information messages at the telephone subscriber terminal unit, and decoding and interpreting the command or information messages in information processing means (elements 5D or 7D of Figure; specification at page 5, lines 4-7

and lines 32-35) of the telephone subscriber terminal unit in order to display the command or information messages as text messages at the telephone subscriber terminal unit or output the command or information messages as speech messages at the telephone subscriber terminal unit. (see specification at page 6, line 36 - page 7, line 13; and page 7, line 20 - page 8, line 29).

Independent claim 5 is directed to a local exchange of a telephone network which is connected by at least one analog telephone line to at least one telephone subscriber terminal unit comprising a management logic unit for managing the telephone subscriber terminal unit. Claim 5 requires that the local exchange comprises a command and information message processing unit (element 2D of Figure) for generating and sending command or information messages to the management logic unit (element 5D or 7D of Figure) of the telephone subscriber terminal unit in addition to sending speech signals and telephone signaling (specification at page 6, lines 27-35), each command or information message being coded so that the command or information message can be transmitted via an analog telephone line from the exchange to the unit (specification at page 6, line 36 - page 7, line 3).

Independent claim 6 is directed to a telephone subscriber terminal unit (e.g., elements 3, 5 or 7 in the Figure), adapted to be connected by at least one analog telephone line to a local exchange of a telephone network. Claim 6 requires that the telephone subscriber terminal unit comprises a management logic unit for managing the telephone subscriber terminal unit, the management logic unit comprising means (e.g., elements 5D or 7D of Figure) for communicating and processing information enabling the management logic to receive command and/or information messages generated by and transmitted from the local exchange via the analog telephone line in addition to speech signals and telephone signaling transmitted from the local

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Appln. No.: 09/913,464

exchange, the command or information messages being decoded and processed for display as text messages or output as speech messages (specification at page 6, lines 27 - page 7, line 13).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandler et al.
(U.S. Patent No. 5,983,117; hereafter “Sandler”).

VII. ARGUMENTS

Appellant respectfully submits that the claimed invention would not have been rendered obvious in view of Sandler.¹

Claim 1

On page 3 of the April 22, 2004 Office Action, the Examiner cites Sandler for allegedly disclosing that a mobile switching center (which the Examiner asserts corresponds to the claimed local exchange) sends commands of information messages to a subscriber unit (which the Examiner contends corresponds to the claimed terminal unit) in response to a service request from the subscriber unit. However, Appellant respectfully submits that it is quite clear that Sandler does not generate, encode and send any type of command or information message, in addition to sending speech and telephone signaling, to the subscriber unit, as required by claim 1.

Sandler discloses a system for providing fixed wireless access to standard telephony device. As shown in Figure 1, a subscriber unit 120 comprising a telephony interface card 121 for connecting to a standard telephony device (e.g., telephone 111), and a transceiver 125 for establishing a communication link with a wireless network is used for providing telephony service to the telephone 111.² When the subscriber unit 120 detects that the telephone 11 is off-hook, the subscriber unit 120 sends to a mobile switching center (MSC) 140 a routing message which identifies the subscriber unit 120 as a terminal which sends digits on a digit-by-digit basis. In response to the routing message, the MSC 140 sets up a communication link with the

¹ USP 5,983,117 was cited in the International Search Report as a category “A” reference (i.e., “document defining the general state of the art which is not considered to be of particular relevance”).

² Sandler at column 5, line 50 - column 6, line 7.

subscriber unit 120. The MSC 140 then transmits a dial tone which is provided to the telephone 111, wherein the dial tone serves as an audible indication to the user that a radio link exists. In response to the dial tone, the user enters the digits of a directory number or feature activation code via the telephone 111 and the dual tone multiple frequency (DTMF) tones corresponding to the entered digits are transmitted to the MSC 140 via the subscriber terminal 120. The MSC 140 then collects and analyzes digits sent by the subscriber unit 120 on a digit-by-digit basis in order to provide a service feature or to connect a call.³

As best understood by Appellant, the Examiner appears to be taking the position Sandler discloses transmitting command or information messages from the MSC (which the Examiner asserts corresponds to the claimed local exchange) to the subscriber terminal (which the Examiner asserts corresponds to the claimed telephone subscriber terminal unit) in response to a service request from the telephone subscriber terminal unit. In support of this position, the Examiner states that “when a DTMF-generated setup or origination is received by the mobile switching center from the subscriber unit and after all digits are analyzed by the mobile switching center[,] the requested service is provided to the subscriber unit.”⁴ The Examiner further asserts “that while not directly disclosed by Sandler et al., it would have been obvious to say that the mobile switching center would have to generate and encode the command and information messages after the request of a feature by the subscriber unit so that the feature can be activated.”⁵

³ Sandler at column 7, lines 8-65.

⁴ April 22, 2004 Office Action at page 3, lines 13-19.

⁵ September 1, 2004 Advisory Action at page 2.

However, Appellant respectfully submits that it is quite clear that Sandler does not teach or suggest that the MSC generates and encodes command or information messages and transmits the command or information messages from the MSC to the telephone subscriber terminal unit (in addition to sending speech signals and telephone signaling via an analog telephone line), as required by claim 1. In particular, in Sandler's disclosed system, when the analyzed digits sent from the subscriber terminal correspond to a service/feature, the MSC simply activates the service/feature (e.g., call forwarding service) at the MSC or sends a suitable request to the public switched telephone network (PSTN) if the request is a PSTN feature (rather than a MSC feature).⁶ The operations of activating and providing the service/feature at the MSC or PSTN do not include sending a command and information message to the subscriber terminal, as required by claim. Nor does activating the service/service subsequently result in the MSC generating and encoding a command and information message which is transmitted from the MSC to the subscriber terminal; and/or decoding and interpreting a command or information messages at the telephone subscriber terminal unit in order to display the command or information messages as text messages at the telephone subscriber terminal unit or output the command or information messages as speech messages at the telephone subscriber terminal unit, as required by the claim.

The Examiner further cites column 3, lines 43-46 of Sandler for disclosing that "[a]fter the routing message is sent to the MSC by the SU, it is advantageous to provide an audible indication (e.g., dial tone) to the user in order to prompt the user to enter ... a feature activation code" and asserts that the "use of an audible indication [dial tone] can read into 'speech

⁶ See Sandler at column 9, lines 26-61.

messages””.⁷ In particular, the Examiner states that “[i]t can be seen from Sandler et al. teachings that an audible indication can be provided to the telephone subscriber terminal unit when trying to activate a feature, [and] it is well know[n] in the art that such an indication can be provided to the user when the feature is activated so that a user is aware of completion of his/her request.”⁸

However, the subscriber terminal 120 does not decode and interpret the dial tone in information processing means of the subscriber terminal 120 in order to display the dial tone as text messages or output the dial tone as speech messages. Instead, the dial tone is simply a signal which is typically provided by a conventional telephone network (i.e., PSTN rather mobile/wireless network) and indicates that a connection to the wireless network has been established and the wireless network is able to receive digits dialed by the user of the telephone (i.e., by dialing the digits, a call may be completed to a corresponding telephone number or a corresponding service/feature may be activated). Further, the Examiner’s assertion that “it is well know[n] in the art that such an indication can be provided to the user when the feature is activated so that a user is aware of completion of his/her request” is not supported by any evidence of record, and moreover, does not address the claim limitations of decoding and interpreting the command or information messages at the telephone subscriber terminal unit in order to display the command or information messages as text messages at the telephone subscriber terminal unit or output the command or information messages as speech messages at the telephone subscriber terminal unit.

⁷ April 22, 2004 Office Action at page 4, second full paragraph.

⁸ April 22, 2004 Office Action at page 4, third full paragraph.

Accordingly, Appellant respectfully submits that independent claim 1, as well as dependent claims 2-4, should be allowable over Sandler since the reference does teach or suggest all of the features of the claims, and one of ordinary skill in the art would not have been motivated to modify the teachings of Sandler to produce the claimed invention.

Claim 5

With regard to independent claim 5, Appellant respectfully submits that the claimed local exchange should be allowable for substantially the same reasons as claim 1 since Sandler does not teach or suggest “a command and information message processing unit for generating and sending command or information messages to the management logic unit of the telephone subscriber terminal unit in addition to sending speech signals and telephone signaling, each command or information message being coded so that the command or information message can be transmitted via an analog telephone line from the exchange to the unit”, as claimed.

Claim 6

Appellant respectfully submits that the claimed “telephone subscriber terminal unit” of independent claim 6 should be allowable for substantially the same reasons as claim 1 since Sandler does not teach or suggest a “management logic unit comprising means for communicating and processing information enabling the management logic to receive command and/or information messages generated by and transmitted from the local exchange via the analog telephone line in addition to speech signals and telephone signaling transmitted from said local exchange, said command or information messages being decoded and processed for display as text messages or output as speech messages”, as claimed.